

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

In Re: Wright, Wesley J.)	Case No. 14-12432
)	Chapter 13
Debtor.)	

**SECOND AMENDED MOTION OF BANCFIRST FOR RELIEF FROM AUTOMATIC
STAY, RELIEF FROM CO-DEBTOR STAY, MOTION FOR ORDER OF
ABANDONMENT AND NOTICE OF OPPORTUNITY FOR HEARING**

COMES NOW BancFirst by and through its attorney, James E. Palinkas, and moves this Court pursuant to 11 U.S.C. §362, 554 and 1301 for relief from the automatic stay and co-debtor stay previously entered herein. In support of this Motion, the Creditor would show to the Court as follows, to-wit:

1. Debtor filed a Voluntary Petition for Relief under Chapter 13 of Title 11 of the United States Bankruptcy Code on June 7, 2014.
2. On or about 06/11/2013, the debtor and co-debtor herein executed a Note & Security Agreement, which agreement was assigned to BancFirst, wherein debtor agreed to pay the total amount of \$9,096.75. Unto BancFirst, therewith, the debtor granted a security interest in a 2010 John Deere Skid Steer I.D. T00320A173090. Debtor and co-debtor were delinquent at the time of filing and are currently five (5) post-petition payments delinquent to Creditor.
3. On 06/19/2014, the debtor herein filed a Voluntary Petition for relief under Chapter 13 of the United States Bankruptcy Code and as a part of said filing included the asset listed hereinabove as an asset of the estate and indicating a desire to surrender the Property of the Creditor.
4. Pursuant to 11 U.S.C. Sec. 362(d) this property is not necessary for the effective reorganization and is burdensome to the estate and the same should, therefore, be abandoned.
5. That upon the entry of an Order for Relief from Automatic Stay, Relief from co-debtor stay and Order for Abandonment, Creditor will seek relief, **in rem**, as it relates to the debtor and co-debtor in order to recover the Property.
6. Payments under the contract with BancFirst are past due, and the collateral is rapidly depreciating in value. Furthermore, BancFirst is subject to irreparable harm in the event of uninsured loss, theft or damage, due to lack of insurance upon the collateral. BancFirst therefore requests the Court to find that the stay of enforcement created by Federal Rule of Bankruptcy Procedure 4001(a)(3) is not applicable.
7. On 09/23/14 this Court entered an Order For Relief From Automatic Stay and Abandonment of Property as to the debtor and now Creditor seeks the same relief as to the co-debtor.

BancFirst therefore requests this Court enter its order terminating the co-debtor stay with regard to the property described above pursuant to 11 U.S.C. §362(d)(2), 554, and 1301; thereby allowing BancFirst to immediately pursue its state law remedies **in rem** as to the debtor and co-debtor; for the stay of enforcement to not be applicable; and for such other and further relief to which BancFirst may be entitled.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee, Oklahoma City, Oklahoma 73102, no later than TWENTY-ONE (21) days from the date of filing of this request for relief. You should also mail a file-stamped copy of your response or objection to the BancFirst Attorney JAMES E. PALINKAS 228 North Broadway, Shawnee, Oklahoma 74801 and to Trustee JOHN T. HARDEMAN P.O. Box 1948, Oklahoma City, Oklahoma 73101 as well as, file a **certificate of service** with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. **THE TWENTY-ONE (21) DAY PERIOD INCLUDES THE THREE (3) DAYS ALLOWED FOR MAILING PROVIDED FOR IN RULE 9006(f) Fed.R.Bankr.Proc.**

BANCFIRST

s/ James E. Palinkas
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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the Second Amended Motion for Relief from Stay was mailed via U.S. Mail, First Class, postage pre-paid and properly addressed to the following at the address(es) shown:

Alyssa Rae Wright
1705 Brodlewod Court
Shawnee, OK 74804

Randall J. Wiley
P.O. Box 3728
Shawnee, OK 74802-3728

Wesley J. Wright
dba Wesco Steel Buildings, dba Wesco Steel Buildings and Concrete
50501 Moccasin Trail
Prague, Oklahoma 74864

Further, I certify that a true and correct copy of the Second Amended Motion for Relief from Stay was electronically served using the CM/ECF system to: John T. Hardeman, Trustee, and the U.S. Trustee, all on the 7th day of October, 2014.

s/James E. Palinkas
James E. Palinkas